

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MICHAEL NEKTALOV *and* MIRYEM  
YUSHANAYEV,

Plaintiffs,

v.

JETBLUE AIRWAYS CORPORATION,

Defendant.  
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**ORDER**

22-CV-513 (WFK) (CLP)

**WILLIAM F. KUNTZ, II, United States District Judge:**

On January 28, 2022, Michael Nektalov and Miryem Yushanayev (“Plaintiffs”) filed a Complaint against JetBlue Airways Corporation (“Defendant”), alleging discrimination and denial of equal rights under the law in violation of 42 U.S.C. §§ 1981 and 2000d, and exclusion in violation of 49 U.S.C. § 44902. *See* Complaint, ECF No. 1. To date, Plaintiffs have failed to file an affidavit of proper service. The deadline for service has long since passed and Plaintiffs have not requested an extension. *See* Fed. R. Civ. P. 4(m) (requiring service be made within 90 days of the filing of the complaint). In fact, Plaintiffs have taken no action since the filing of the Complaint.

Accordingly, on April 28, 2022, the Honorable Magistrate Judge Pollak ordered the parties to file a status report by May 31, 2022, which the parties failed to do. On June 15, 2022, Magistrate Judge Pollak again ordered the parties to file a status report by June 29, 2022. No report was filed. In response, on July 7, 2022, Magistrate Judge Pollak filed a Report and Recommendation, recommending dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) should Plaintiffs fail to contact the Court by August 5, 2022. Report, ECF No. 4. To date, Plaintiffs have not contacted the Court. Objections to the Report and

Recommendation were due fourteen (14) days from receipt of the Report, and to date, no objections have been filed.

The Court reviews a Report and Recommendation for clear error when no objections have been filed. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.). The Court finds no such error here. The Court therefore adopts the Report and Recommendation of Judge Pollak in its entirety and dismisses the case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

**SO ORDERED.**

  
**s/ WFK**

  
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HON. WILLIAM F. KUNTZ, II  
UNITED STATES DISTRICT JUDGE

Dated: August 12, 2022  
Brooklyn, New York